

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Business Office	DATE: 6/18/2014
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SUBJECT: Open Data Policy

PRIMARY CONTACT (NAME, PHONE): Barbara Lamb, 236-7789/8A	SECONDARY CONTACT (NAME, PHONE): Almis Udrys, 236-5929/11A
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**COMPLETE FOR ACCOUNTING PURPOSES**

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

**COST SUMMARY (IF APPLICABLE):**

**ROUTING AND APPROVALS**

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Liaison Office	ORIG DEPT.	Villa, Ron	06/20/2014
	CFO		
	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF:     RESOLUTIONS     ORDINANCE(S)     AGREEMENT(S)     DEED(S)

Approve City Policy on Open Data

STAFF RECOMMENDATIONS:  
Forward Open Data Policy to Council for approval

**SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)**

COUNCIL DISTRICT(S):	all
COMMUNITY AREA(S):	all
ENVIRONMENTAL IMPACT:	N/A
CITY CLERK	none

INSTRUCTIONS:	
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**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 6/18/2014

ORIGINATING DEPARTMENT: Business Office

SUBJECT: Open Data Policy

COUNCIL DISTRICT(S): all

CONTACT/PHONE NUMBER: Barbara Lamb/236-7789/8A

**DESCRIPTIVE SUMMARY OF ITEM:**

Approve the Open Data Advisory Group's recommended Open Data Policy and implementation plan. This policy creates a process for making City data available online using open standards.

**STAFF RECOMMENDATION:**

Forward Open Data Policy to Council for approval

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

In response to a request from the Rules and Economic Development Committee on December 11, 2013, an Open Data Advisory Group was created in order to develop an open data policy and implementation plan for the City Council's consideration. The Open Data Advisory Group included participants from the Independent Budget Analyst, Council Districts 1 and 5, the Performance and Analytics Department, the City Clerk, the City Attorney's Office, and a number of individuals from the local technology community. The Open Data Advisory Group held six publicly-noticed meetings from January through May, 2014 to draft the proposed policy and implementation plan.

This policy creates a process for making City data available online using open standards. The City will devote its best efforts to quickly making its data publicly available online, while recognizing that it has numerous data sets and limited resources to dedicate to a new open data program. The City recognizes that making data available online in this manner will promote civic engagement, improve service delivery, allow for more effective communication with the public, and create increased opportunities for economic development. Implementation of this Policy will also make the operation of City government more transparent, effective, and accountable to the public and allow the public to assist in identifying efficient solutions for government.

The Policy and associated implementation plan call for the hiring of a Chief Data Officer who will have main responsibility for finalizing this Policy, bringing it to Council for final approval, and implementing other steps to initiate the City's data portal and make data available on an ongoing basis.

**FISCAL CONSIDERATIONS:**

Council approved the creation of the Chief Data Officer in the Fiscal Year 2015 Budget by approving the addition of a Program Manager position in the Performance and Analytics Department. Any additional resources needed for the implementation of the Open Data Policy may be proposed in the mid-year or Fiscal Year 2016 budget.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):

At its July 10, 2013 meeting the Committee of Rules and Economic Development received an information only report from Open San Diego/Code for America Brigade regarding Open Data Policy. At its November 6, 2013 meeting the Committee received IBA Report Number 13-50 regarding considerations associated with the proposed adoption of an Open Data Policy. At its special meeting on December 11, 2013, the Committee on Economic Development and Intergovernmental Relations passed a resolution supporting Open Data and requested the formation of an Open Data Advisory Group to develop a policy to be presented to the Committee by June 30. Council adopted the resolution unanimously on December 17, 2013.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Open Data Advisory Group held six publicly-noticed meetings from January through May, 2014 to draft the proposed policy and implementation plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City employees, the business community and the public may ultimately be impacted by the policy and its implementation.

Villa, Ron

Originating Department

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Deputy Chief/Chief Operating Officer

# City of San Diego Open Data Policy

EFFECTIVE DATE:

## **BACKGROUND:**

The City of San Diego is committed to the principles of open, accessible, efficient and transparent government and the use of technology to help put those principles into practice. On January 2, 2014, the City Council approved Resolution R-308684 in support of creating an open data policy.

## **PURPOSE:**

This policy creates a process for making City data available online using open standards. The City will devote its best efforts to making its data publicly available online, while recognizing that it has numerous data sets and limited resources to dedicate to a new open data program. The City recognizes that making data available online in this manner will promote civic engagement, improve service delivery, allow for more effective communication with the public, and increase opportunities for economic development. This Policy is also intended to make the operation of City government more transparent, effective, and accountable to the public, and to allow the public to assist in identifying efficient solutions for government.

## **POLICY:**

### **Section 1. Definitions:**

As used in this Policy:

- 1.1. *Chief Data Officer* means an individual designated by the Mayor to oversee implementation of this Policy.
- 1.2. *City Department* shall mean every mayoral and independent City department and each City Council District.
- 1.3. *Compliance Plan* means the document prepared by the Chief Data Officer under section 2.5 of this Policy.

- 1.4 *Data* means statistical or factual information in digital form which: (a) is reflected in a list, table, graph, chart, map, or database that can be digitally transmitted or processed; and (b) is regularly created or maintained and controlled by the City and is a “record” as defined in San Diego Municipal Code section 22.2602. This Policy does not prohibit the City from voluntarily disclosing information not otherwise defined as "Data" in this subdivision, nor does it prohibit the City from making voluntarily disclosed information accessible through the single Web Portal described in Section 2 of this Policy.
- 1.5 *Effective Date* means the date upon which the Resolution authorizing this policy takes effect in accordance with the City Charter.
- 1.6 *Implementation Plan* means the plan prepared by the Mayor and administered by the Chief Data Officer for implementation of this Policy.
- 1.7 *IT Department* means the City Department responsible for information technology and whose responsibilities are described in San Diego Municipal Code sections 22.1601 through 22.1602.
- 1.8 *Public Data Set* means, except as otherwise provided herein, data that is available for inspection by the public in accordance with any provision of law and is maintained on a computer system by, or on behalf of, a City Department. Public Data Set does not include:
- a. any portion of a data set to which the City may deny access under applicable federal, state or local law, rule or regulation;
  - b. any data set that contains a significant amount of data to which the City may deny access under any other provision of a federal or state law, rule or regulation, or local law and where removing the data would impose undue financial or administrative burden;
  - c. data that reflects the internal deliberative process of the City, including negotiating

- positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
- d. data stored solely on a City-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single City employee or a single City-owned or -controlled computing device;
  - e. materials subject to copyright, patent, trademark, confidentiality agreements, or trade secret protection;
  - f. proprietary applications, computer code, software, operating systems, or similar materials;
  - g. employment records and internal employee-related directories;
  - h. archival or historical material that is not digitized and would need to be converted to a digital, machine readable format.
- 1.9 *Voluntary Compliance Standards* shall have the meaning described in Office of Management and Budget (OMB) Circular A-119 Revised, as modified from time to time, which currently includes standards developed or adopted by domestic and international organizations, including provisions that require owners of relevant intellectual property to agree to make that intellectual property available on a non-discriminatory, royalty-free or reasonable royalty basis to all interested parties.
- 1.10 *Web Portal* means a collection of web services, accessible from a single web site, which brings information together from diverse sources in a uniform way.

## **Section 2. Chief Data Officer: Role, Responsibilities and Timeline for Actions**

- 2.1 The Chief Data Officer, or other Mayoral designee, shall provide written guidelines describing how to prepare an inventory of Public Data Sets owned or managed by the City which is subject to this Policy and will publish the guidelines on the City's web site in accordance with the Implementation Plan.
- 2.2 The Chief Data Officer, or other Mayoral designee, shall publish the initial City Department inventories on the City's web site.
- 2.3 The Chief Data Officer shall prepare

and publish a technical guidelines manual for the publishing of Public Data Sets through a Web Portal, to make Public Data Sets available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use voluntary compliance standards for web publishing and e-government, as described in OMB Circular A-119 Revised, as modified from time to time, unless the Chief Data officer deems no Voluntary Compliance Standards are suitable. If the Chief Data Officer determines that Voluntary Compliance Standards are not suitable, then the Chief Data Officer shall identify the reasons why they are not suitable. The technical guidelines shall require a web application programming interface that permits application programs to request and receive Public Data Sets directly from the Web Portal. The technical guidelines manual shall be reviewed annually and updated as necessary by the Chief Data Officer.

- 2.4 No later than 180 days from the effective date of this Policy, the Chief Data Officer shall submit a written report to the Mayor and the Council on the status of implementation of this Policy and publish the report on the City web site.
- 2.5 No later than 18 months from the effective date of this Policy, and annually thereafter, the Chief Data Officer shall provide a Compliance Plan to the Mayor and the Council and publish the Compliance Plan on the City web site. City Departments shall cooperate with the Chief Data Officer in its preparation of the Compliance Plan. The Compliance Plan shall include:
  - a. a data inventory and a summary description of Public Data Sets under the control of each City Department;
  - b. a timeline for publication to the Web Portal of high value existing Public Data Sets, as determined by the Chief Data Officer after soliciting public input, with all high value Public Data Sets being published within five years of the effective date of this Policy; and
  - c. for any high value Public Data Set that cannot be made available on the

Web Portal within the specified time, a statement of the reasons why the high value Public Data Set cannot be made available, and, to the extent practicable, the date by which the City Department believes that it will be available on the Web Portal.

- 2.6 The annual updates to the Compliance Plan shall include the specific measures undertaken to make additional Public Data Sets available on the Web Portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the inventory of Public Data Sets, and, if necessary, any changes to the prioritization of Public Data Sets and an update to the timeline for the inclusion of Public Data Sets on the Web Portal. If a Public Data Set cannot be made available on the Web Portal on or before the Compliance Plan update, the update shall state the reasons it cannot and, to the extent practicable, the date by which the City believes the Public Data Set will be available on the Web Portal.
- 2.7 The Chief Data Officer shall ensure that an appropriate disclaimer and terms of use are placed on the City web site which shall include, but not be limited to, the following: a) Public Data Sets are provided for informational purposes only; b) the City does not warranty the completeness, accuracy, content, or fitness for any particular purpose or use of any Public Data Set made available on the Web Portal, nor are any such warranties to be implied or inferred with respect to the Public Data Sets furnished therein; c) the City is not liable for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of any Public Data Set, or application utilizing such data set. This open data policy shall not be construed to create a private right of action to enforce its provisions, and failure to comply with this policy shall not result in liability to the City.

### **Section 3. City Departments: Roles, Responsibilities**

- 3.1 All City Departments shall provide to the Chief Data Officer an inventory of Public Data Sets that they own or manage, consistent with the Implementation Plan.

- 3.2 Within 18 months of the effective date of this Policy, the City will begin publishing to the Web Portal high value Public Data Sets, in accordance with the publication schedule set forth in the Compliance Plan.
- 3.3. City Departments shall make Public Data Sets available in accordance with technical guidelines in the form of a process narrative published by the Chief Data Officer and in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates.
- 3.4 City Departments shall update Public Data Sets as often as is necessary to preserve the integrity and usefulness of the data sets, as determined by the City Department.
- 3.5. Public Data Sets shall be made available without any registration requirement, license requirement, or restrictions on their lawful use. Registration requirements, license requirements, or restrictions as used in this section shall not include measures required to ensure access to Public Data Sets, to protect the Web Portal housing Public Data Sets from unlawful abuse, or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.
- 3.6. To the greatest extent possible, Public Data Sets shall be accessible to external search capabilities using open and commonly used standards and formats as described in the technical guidelines manual.

#### **Section 4.**

- 4.0 Nothing in this policy is intended to modify the City's record retention policies or requirements.
- 4.1 Nothing in this policy is intended to preclude the City from entering into agreements with other agencies for the provision of their data through the City's Web Portal.

#### **HISTORY:**

“Open Data Program”

Adopted by Resolution R- \_\_\_\_\_ - xx/xx/2014

June 23, 2014

page 6



# Open Data Policy – Implementation Plan

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Open Data Policy implementation activities are described in more detail in the following sections.

## **Starting the clock**

The Open Data Policy (Policy) will become effective on the date upon which the Resolution authorizing the Policy takes effect (Effective Date). The Policy requires activities to occur within a certain number of days of its effective date. The Economic Development and Intergovernmental Relations Committee will receive the draft Open Data Policy on July 2, 2014. Assuming that the Committee forwards the Policy to full Council for approval, the Policy's Effective Date could occur sometime in September 2014. For purposes of developing this implementation plan, the Policy's Effective Date is assumed to be no later than October 1, 2014.

## **Selecting the Chief Data Officer**

Starting in Fiscal Year 2015, the Chief Data Officer (CDO) is a program manager position in the Performance and Analytics Department. To support hiring the CDO as quickly as possible, the position description and applicable paperwork were completed in June 2014. Assuming a three-month period to select and bring an unclassified employee on board, the CDO would be in place by October 1, 2014.

Many cities with open data policies have found filling the position of CDO to be an important step in legitimizing the open data effort. There is no "one size fits all" approach to filling the position of CDO. Examples of effective CDOs can come from a more internally/service-focused background or, alternatively, a more externally/community-focused approach. If it is the right person, either model can work. However, in either case, it is essential that the individual has a direct connection to the top – an executive champion who is committed and has the organizational strength to push the open data initiative.

The individual selected should have a familiarity and comfort level with the technology involved in open data programs, but the position is not just a technical position. It is important that the individual be committed to the initiative and able to articulate a compelling vision of the benefits of the program.

## **Developing guidelines for preparing an inventory of data**

Within his or her first two months of duty, the CDO will prepare written guidelines that describe how to prepare an inventory of Public Data Sets (as defined in the Policy). The CDO will identify Open Data representatives from all City departments and consult with them while preparing the guidelines. The CDO will release the guidelines by December 1, 2014.

## **Developing initial inventory of data**

Upon issuance of the guidelines on preparing data inventories, each City department will assemble an initial inventory of data owned or managed by the department. The CDO will compile all of the initial inventory inputs into a report to be published no later than 120 days after the issuance of the guidelines, or by April 1, 2015.

## **Developing and issuing Technical Guidelines Manual**

After issuing the guidelines for preparing an inventory of data and while the departments are working on their initial inventories, the CDO will develop and issue a Technical Guidelines Manual for the publishing of Public Data Sets (as defined in the Open Data Policy) through a web portal, for the purpose of making Public Data Sets available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use voluntary compliance standards for web publishing and e-government. The CDO will issue the Technical Guidelines Manual by April 1, 2015.

## **Developing written Status Report**

Within 180 days of the Effective Date, the CDO shall submit an initial written status report to the Mayor and the Council and shall make such report available to the public on the City web site. The CDO shall then provide an updated status report to the appropriate City Council committee within 12 months after the Effective Date and annually thereafter. This means that the CDO will issue the initial status report on April 1, 2015, the first update to the status report on October 1, 2015, and the annual status reports on October 1 of following years.

## **Preparing a Data Portal and Making Public Data Sets available**

The CDO will work with the Purchasing & Contracting Department to determine the procurement approach for obtaining the services of a data portal provider. This may involve developing a Statement of Work to be included in a Request for Proposals, or it may involve a more streamlined procurement approach.

Within 12 months of the Policy Effective Date, or by December 1, 2015, the City will begin to publish high value Public Data Sets to its portal.

## **Developing Compliance Plan**

Within 18 months of the Effective Date (or by April 1, 2016), the CDO shall submit a Compliance Plan to the Mayor and the Council and shall make such plan available to the public on the City web site. The plan shall include a data inventory and a summary description of Public Data Sets under the control of each City department and also include a timeline for publication to the web portal of high value existing Public Data Sets, as determined by the CDO with input from the public, with all high value Public Data Sets being published within five years of the Effective Date of this Policy. If a Public Data Set cannot be made available on the web portal within the specified time, the

plan shall state the reasons why such high value Public Data Set cannot be made available, and, to the extent practicable, the date by which the City department that owns the data believes that it will be available on the web portal.

Annually following the first publication of the Compliance Plan, the CDO shall post on the web portal an update of the Compliance Plan, until all Public Data Sets have been made available through a single web portal. These updates of the Compliance Plan will be published annually on April 1.